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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
TRAN, HAI V	

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/920,961	LYDA, EDWIN	
	Examiner	Art Unit	
	Hai Tran	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) *8-12* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 13-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/24/2005 has been entered.

Response to Arguments

Applicant's arguments filed 06/24/2005 have been fully considered but they are not persuasive.

Applicant argues, "...The PAD appears on the display, and the user responds to the display on the unit; the user is limited to choices, and *cannot input his own response data*."

In response, the Examiner respectfully disagrees with Applicant because Ferris clearly discloses user inputs his own response data from his/her own thought process (see page 13, 3rd paragraph).

Applicant further argues, "...The present invention, on the other hand requires the user to input a program code for the particular programming event to which he is responding..."

In response, the Examiner respectfully disagrees with applicant because Ferris' s PAD constitutes an offering/object displayable to user and requires user to express interaction with the PAD through the handheld device on the basis of the information so displayed. By interacting with the presented PAD, the selected PAD is transmitted back to the central control station along with HUUID and PADUID (page 13, 3rd paragraph). In doing so, the selected PAD includes HUUID and PADUID constitutes an input from the user of a program identifier code (PADUID) for the particular programming event (displays PAD) in which the user is responding along with the user identifier code associated with the remote device (HUUID); see page 13, 3rd paragraph); Moreover, Ferris 's Fig. 2L, one of his embodiment requires "user inputs his own response data" by inputting for example a product/vendor code for the particular programming event, i.e., purchase event.

Applicant further argues, "Ferris cannot be used to respond to live events."

In response, the Examiner cites page 5, 2nd paragraph to support.

Applicant further argues, "...claim 1 now claims that the response device is used to respond to programming received apart from the response device (not to PAD received over the response device, as in Ferris).

In response, the Examiner respectfully disagrees with Applicant because the amended limitation is broadly interpreted as the response device is used to respond to programming/"television programming show", i.e. tool show, received apart from the response device, for example Ferris' s Fig. 4 and page 23.

Claims 2, 3, 4 and 5, Applicant argues, "Ferris makes no reference at all to voice recognition apparatus"

In response, the Examiner notes that Markush-type claim (see MPEP 2173.05(h) - Alternative Limitations; i.e., members as being "selected from the group consisting of A, B and C.") is recited in Claims 2-5 for alternative limitations; therefore, the examiner only needs to consider one of the alternative limitations. In this instant, Ferris meets the claimed limitation "the input mechanism is a keypad".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 13-17, and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferris et al. (WO 99/04568).

Claim 1, Ferris discloses an electronic response device (Fig, 3, el. 417; Fig. 4-6) other than a personal computer, the response device configured to allow user to interactively respond, over a standard communication system (see Fig. 3), to programming received apart from the responsive device (the remote control device is used to respond to programming/"television programming show", i.e. tool show,

received apart from the response device, for example Ferris' s Fig. 4 and page 23) , the response device comprising:

a user input mechanism (Fig. 5, el. 622);

means for requiring (input controller 611) the user's input of a program identifier code (PADUID) for a program (Ferris' s PAD constitutes an offering/object displayable to user and requires user to express interaction with the PAD through the handheld device on the basis of the information so displayed. By interacting with the presented PAD, the selected PAD is transmitted back to the central control station along with HUUID and PADUID (page 13, 3rd paragraph). In doing so, the selected PAD includes HUUID and PADUID constitutes an input from the user of a program identifier code (PADUID) for the particular programming event (displays PAD) in which the user is responding along with the user identifier code associated with the remote device (HUUID); see page 13, 3rd paragraph);

means for providing a user identifier code, the means selected from the group consisting of having the identifier code associated with the response device and having the user input the user identifier code (reads on Ferris' s HUUID represents User Identification associated with the remote control device; see page 25; 4th paragraph; Fig. 2K).

a central processing unit (microprocessor 607) for processing the program identifier code, the user identifier code, and response data a user has entered into the user input mechanism;

a power source (inherently must have); and

a transmitter connected to the CPU (603 and 614).

Claim 2, Ferris further discloses wherein the input mechanism is selected from the group consisting of a keypad and voice recognition apparatus (Fig. 5, el. 622; page 15, 5th paragraph);

the transmitter comprises a two-way paging device (Fig. 5, el. 603; page 18; 2nd paragraph); and the communication system comprises a two-way paging system (page 12; 3rd paragraph).

Claim 3, Ferris further discloses wherein the input mechanism is selected from the group consisting of a keypad and voice recognition apparatus (Fig. 5, el. 622; page 15, 5th paragraph);

Claim 13, method claim is analyzed with respect to apparatus claim 1, Ferris further discloses collecting and processing the data at a central location (page 15, 1st paragraph; page 24, 1st-3rd paragraph).

Claim 14, Ferris further discloses sending the processed data to a presenter of the program for viewing (page 15, 1st paragraph and page 24, 3rd paragraph).

Claim 15, Ferris further discloses having the presenter of the program respond to the audience center (interactive story line; page 9, 4th paragraph).

Claim 16, Ferris further discloses wherein the program is selected from the group consisting of radio broadcast, a television broadcast... (page 10, 8th paragraph).

Claim 17 is analyzed with respect to claim 2.

Claim 19, Ferris further discloses, "having the audience member log in to a remote computer system before inputting data into the user input device" (page 8, 3rd/last paragraph; and page 26, 2nd paragraph).

Claim 20, Ferris discloses a system for receiving and processing responses to programming comprising;

Providing a program identifier (PDUID) for a program being presented (page 13, 3rd paragraph);

Providing a user input device other than a personal computer (Fig, 3, el. 417; Fig. 4-6);

Having an audience member input the a program identifier code (PADUID) into the user input device (Ferris' s PAD constitutes an offering/object displayable to user and requires user to express interaction with the PAD through the handheld device on the basis of the information so displayed. By interacting with the presented PAD, the selected PAD is transmitted back to the central control station along with HUUID and

PADUID (page 13, 3rd paragraph). In doing so, the selected PAD includes HUUID and PADUID constitutes an input from the user of a program identifier code (PADUID) for the particular programming event (displays PAD) in which the user is responding along with the user identifier code associated with the remote device (HUUID); see page 13, 3rd paragraph);

Having an audience member input response data into the user input device (Fig. 5, el. 622; page 15, 1st and 5th paragraph);

Transmitting the program identifier and the response data associated with a user identifier over a standard communication system (page 12; 3rd paragraph).;

Collecting and processing the program identifier and the response data (page 15, 1st paragraph; page 24, 1st-3rd paragraph);

Routing the response data to a program presenter (interactive story line; page 9, 4th paragraph).

Claim 21, Ferris further discloses having the presenter respond to the audience member (interactive story line; page 9, 4th paragraph).

Claim 22, Ferris further discloses wherein the program is selected from the group consisting of radio broadcast, a television broadcast...(page 10, 8th paragraph).

Claim 23 is analyzed with respect to claim 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 4, 5, 6, 18 and 24 are rejected under 35 U.S.C. 103(a) as being obvious over Ferris et al. (WO 99/04568).

Claim 4, Ferris further discloses wherein the input mechanism is selected from the group consisting of a keypad and voice recognition apparatus (Fig. 5, el. 622; page 15, 5th paragraph);

Ferris does not disclose the transmitter is configured to call telephone numbers each of the telephones numbers having been associated with a response to the program; and the communication system comprises a plain old telephone system. However, Ferris discloses the outbound PAD could be transmitted using 'data-hiding' technology associated with a response to the program over any types of communication network (pages 12-14).

Official Notice is taken that having a remote control with integrated modem with associated call number for communication purpose using of a plain old telephone system is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferris to have an integrated modem built in the handheld device so to provide

to user an alternative way to communicate with the service provider beside of the two-way paging network.

Claims 5 and 6 Ferris further disclose wherein the input mechanism is selected from the group consisting of keypad and voice recognition apparatus (Fig. 5, el. 622; page 15, 5th paragraph);

Ferris does not disclose the transmitter comprises a wireless Internet protocol device, and the communication system comprises Internet protocol systems; wherein the Internet protocol system further communicates with a telecommunication system. However, Ferris discloses the request might be sent over the Internet (see page 14; 4th/last paragraph).

Official Notice is taken that having a remote control with integrated wireless modem for communication purpose through Internet in which the Internet network is in communication with a telecommunication network is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferris to have an integrated wireless modem built in the handheld device so to provide to user an alternative way to communicate with the service provider through Internet network beside of the two-way paging network.

Claim 18 is analyzed with respect to claim 4.

Claim 24 is analyzed with respect to claim 4.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ferris et al. (WO 99/04568) in view of Yoshinobu et al. (US 5721584).

Claim 7, Ferris does not clearly disclose an indicator for indicating the connection status of the electronic response device to a communication system; however, Ferris shows activities (alert with flashing led 10) during connectivity (page 22, 6th paragraph).

Yoshinobu discloses an indicator for indicating the connection status of the electronic response device to a communication system (Col. 12, lines 22-30 and col. 18, lines 1-11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ferris with Yoshinobu so to provide to user a way to detect the condition (Connect or Not connect) of the communication process between two communication devices.

4. Claims 25 is rejected under 35 U.S.C. 103(a) as unpatentable over Ferris et al. in view of Lewis et al (US 5303042).

Claim 25, Ferris does not clearly disclose the audience member log into a remote computer system before inputting data into the user input device; However, the users log on the keypad device (page 25, 3rd and 4th paragraph).

Lewis discloses the audience member log into a remote computer system before inputting data into the user input device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Ferris with Lewis so that the remote computer able to track all viewer currently log on the system (Col. 8, lines 25-45).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
08/31/2005

HAI TRAN
PRIMARY EXAMINER